

ESTTA Tracking number: **ESTTA67325**

Filing date: **02/21/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Nike, Inc.
Granted to Date of previous extension	02/22/2006
Address	One Bowerman Drive Beaverton, OR 97005 UNITED STATES

Attorney information	Michelle L. Mehok Pillsbury Winthrop Shaw Pittman LLP 11682 El Camino Real, Suite 200 San Diego, CA 92130 UNITED STATES sdipdocket@pillsburylaw.com
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Applicant Information

Application No	78522587	Publication date	10/25/2005
Opposition Filing Date	02/21/2006	Opposition Period Ends	02/22/2006
Applicant	Surf Technicians, Inc. 2685 Mattison Lane Santa Cruz, CA 95062 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 1999/08/01 First Use In Commerce: 1999/08/01 All goods and services in the class are opposed, namely: CLOTHING, NAMELY, T-SHIRTS, SWEATSHIRTS, AND HATS
Class 028. First Use: 1999/08/01 First Use In Commerce: 1999/08/01 All goods and services in the class are opposed, namely: SURFBOARDS

Attachments	S_Notice_Of_Opposition.pdf (7 pages)
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Signature	/michelle mehok/
Name	Michelle L. Mehok
Date	02/21/2006

			14	injuries, create workout schedules and goals, download data from a watch to a computer; digital audio equipment, namely portable digital music players and walkie talkies radio link watches which contain a radio frequency transmitter, receiver and/or transceiver used to monitor heart rate, speed and distance
DESIGN ONLY 	2237852 4/6/1999	9	14	sunglasses and sunglass frames watches
DESIGN ONLY 	2107521 10/21/1997	9		eyewear, namely, sunglasses and parts and accessories for eyewear, namely, cases for eyewear
NIKE & Design 	2239076 4/13/1999	9	28	ear plugs for swimming purposes nose clips for swimming purposes, swim goggles, kickboards and buoys for recreational and training use
DESIGN ONLY 	2490994 9/18/2001	14	41	jewelry entertainment services in the nature of sporting events of all types, namely, contests, clinics, camps, tournaments and exhibitions
NIKE & Design 	2209815 12/8/1998	14		timepieces of all types, namely, watches and chronographs
NIKE & Design 	2534358 1/29/2002	14		timepieces of all types, namely, stopwatches
DESIGN ONLY 	1926168 10/10/1995	16	18	binders, student planners, notebooks, portfolio covers pouches for carrying school materials
NIKE & Design 	1866140 12/6/1994	16	18	binders, student planners, notebooks, portfolio covers bookbags; pouches for carrying school materials

NIKE & Design 	1595356 5/8/1990	16	posters
ACG & Design 	2164358 6/9/1998	18 25	backpacks and waist packs footwear; clothing, namely, anoraks, caps, gloves, jackets, pants, parkas, shirts, shorts, socks, tops, T-shirts and vests.
DESIGN ONLY 	1145473 1/6/1981	18	all purpose sports bags, travel bags, hand bags and shoulder bags
NIKE & Design 	1772987 5/25/1993	18	all-purpose sports bags, waist packs, backpacks, fannypacks and duffle bags
AIR & DESIGN  A I R	2068075 6/3/1997	25	footwear and clothing, namely caps, socks and sweatshirts
AIR & DESIGN  A I R	2203050 11/10/1998	25	clothing, namely, hats and T-shirts
DESIGN ONLY 	1323342 3/5/1985	25	footwear
DESIGN ONLY 	0977190 1/22/1974	25 25	athletic shoes with spikes and athletic uniforms for use with such shoes. athletic shoes without spikes and athletic uniforms for use with such shoes
DESIGN ONLY 	1990180 7/30/1996	25	full line of sports clothing
DESIGN ONLY 	1323343 3/5/1985	25	footwear
DESIGN ONLY 	1284385 7/3/1984	25	athletic and casual clothing for men, women and children-namely, shirts, pants, shorts, jackets, warm-up suits, swimwear, tenniswear, skirts, sweaters, underwear, headwear, socks and wristbands
NIKE & Design 	2024717 12/17/1996	25	clothing, namely, caps and T-shirts

NIKE & Design 	2104329 10/7/1997	25	footwear
NIKE & Design 	2180866 8/11/1998	25	clothing, namely, hats, jackets, shirts and warm-up suits
NIKE & Design 	1325938 3/19/1985	25	footwear
NIKE & Design 	1237469 5/10/1983	25	athletic and casual clothing for men, women and children-namely, shirts, pants, shorts, jackets, warm-up suits, swimwear, tenniswear, skirts, sweaters, underwear, headwear, socks, wristbands and handwear
NIKE AIR & Design 	1571066 12/12/1989	25	clothing, namely T-shirts
NIKE AIR & Design 	1284386 7/3/1984	25	footwear
DESIGN ONLY 	2954673 5/24/2005	27 19	Artificial surfaces and underlayments, namely, artificial grass, turf, and mats made of foam, rubber, nylon, leather, cotton, plastic, or polyethylene for indoor and outdoor sports and recreational surfaces Flooring underlayments for indoor and outdoor sports and recreational surfaces with cushioning and padding
NIKE GRIND & DESIGN 	2480935 8/21/2001	27	surfaces and underlayments, namely, artificial grass, turf and mats for indoor and outdoor sports and recreational surfaces; and cushioning and padding used as underlayments for indoor and outdoor sports and recreational surfaces
AIR & DESIGN  A I R	2601303 7/30/2002	28	protective padding and body protectors for the practice of sports and gloves for the practice of sports

DESIGN ONLY 	2813091 2/10/2004	28	sporting goods, namely, sports balls of all types
DESIGN ONLY 	2522877 12/25/2001	28 9	sports balls of all types; weights for exercise and for lifting; weight lifting belts; protective padding, guards and body protectors of all types for the practice of sports; golf bags; head covers for golf clubs; golf tees and ball markers; baseball and softball bats; mitts and gloves for the practice of all types of sports; ice hockey sticks; ice skates and goggles for swimming helmets of all types for the practice of sports
DESIGN ONLY 	2239078 4/13/1999	28 9	nose clips for swimming purposes, swim goggles, kickboards, and buoys for recreational and training use ear plugs for swimming purposes
DESIGN ONLY 	2024437 12/17/1996	28	sports balls
NIKE & Design 	2473828 7/31/2001	28	sports balls of all types; weights for exercise and for lifting; weight lifting belts; protective padding, guards and body protectors of all types for the practice of sports; golf bags, head covers for golf clubs, golf tees and ball markers; baseball, and softball bats; mitts and gloves for the practice of all types of sports; ice skates and goggles for swimming
NIKE & Design 	2024436 12/17/1996	28	sports balls
REUSE A SHOE & Design 	2111692 11/11/1997	40	conducting a recycling program for footwear
DESIGN ONLY 	1264529 1/17/1984	42	retail footwear and apparel store services
NIKE & Design 	1238853 5/17/1983	42	retail footwear and apparel store services

DESIGN ONLY 	78/529400 12/8/2004	9	cellular telephones; video game software; compact disc players; headphones; specialty carrying cases for cellular telephones, portable digital audio equipment, and compact disc players; pedometers
DESIGN ONLY 	78/528588 12/7/2004	28	golf clubs, golf balls, golf gloves, golf club grips, golf bags, golf tees, head covers for golf clubs, golf ball markers

3. Opposer's Swoosh Mark is distinctive and famous.

4. Applicant has applied based on use to register Applicant's Mark, shown

thus:



for the following: (1) clothing, namely, T-shirts, sweatshirts, and hats and (2) surfboards.

5. On information and belief, no actual or constructive use was made of Applicant's Mark prior to August 1, 1999.

6. Opposer's Swoosh Mark was used in commerce and registered, and said mark became famous, long prior to the first actual or constructive use of Applicant's Mark.

7. Applicant's Mark so resembles Opposer's Swoosh Mark, registered in the Patent and Trademark Office and previously used in the United States and not abandoned, as to be likely, when used on or in connection with the goods of Applicant, to cause confusion, or to cause mistake, or to deceive in violation of Section 2(d) of the Act.

8. Applicant's Mark dilutes or is likely to dilute or will dilute Opposer's distinctive and famous Swoosh Mark in violation of Section 43(c) of the Act.

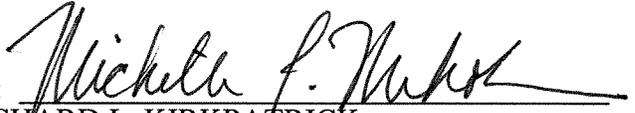
WHEREFORE, the Board should sustain this opposition and Application 78522587 should be refused registration.

The official fee is submitted herewith. Charge any missing fee to Account No. 033975 Order No. 518600-0007797.

Date: February 21, 2006

Respectfully submitted,

NIKE, INC.

By: 
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